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CONGRESSIONAL RECORD — HOUSE

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cient administration of public philanthropy, encouraged careers in social work and fought to prevent pauperism through adequate wages and humane working conditions.

Mary Lyon (1797-1849) utilized her inheritance of \$37,000, her religious fervor, teacher training, and her devotion to women's education to raise the funds and the public interest to found Mount Holyoke College.

Frances Perkins (1880-1965) was the first female Cabinet member in the Nation's history who brought to her position as Secretary of Labor, three decades of commitment to social reform. Under her direction, the Immigration and Naturalization Service was purged of racketeers, the Bureau of Labor Statistics was greatly expanded, the Division of Labor Standards was established, the Women's and Children's Bureaus turned in highly competent performances, and an upgraded Federal Mediation and Conciliation Service gained the confidence of most labor leaders.

Lucy Stone (1818-93) was the first Massachusetts woman to take a college degree and founded the Women's Journal which for 47 years was the voice of the women's movement in the United States. A ceaseless abolitionist and feminist, she helped to organize, and served on the executive committee of the American Equal Rights Association, designed to press for both Negro and women's suffrage.

Phillis Wheatley (circa 1753-84), the first black woman poet in America, was bought directly off a slave ship in Boston at age 6, speaking no English. Her talent for memorial, religious, and occasional verse won national approval and was cited as proof of the antislavery argument that people of her race could profit by education.

It is these 12 outstanding Massachusetts women, and countless others from the other 49 States, who will at last receive appropriate recognition next March.●

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 28

Whereas American women of every race, class, and ethnic background helped found the Nation in countless recorded and unrecorded ways as servants, slaves, nurses, nuns, homemakers, industrial workers, teachers, reformers, soldiers, and pioneers;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in the country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolition-

ist movement, the emancipation movement, the industrial labor union movement, and the modern civil rights movement; and

Whereas despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week beginning March 8, 1981, is designated as "Women's History Week", and the President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: Page 2, line 3, strike out "March 8, 1981," and insert in lieu thereof "March 7, 1982."

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "Joint resolution designating the week beginning March 7, 1982, as 'Women's History Week'."

A motion to reconsider was laid on the table.

NATIONAL CYSTIC FIBROSIS WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 212) to designate the third week of September as "National Cystic Fibrosis Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 212

Whereas cystic fibrosis is the number one genetic killer of children in America, and between one thousand five hundred and two thousand five hundred are born each year in this country with the disease; and

Whereas public understanding of cystic fibrosis is essential to enhance early detection and treatment of the disease and reduce the misunderstanding and confusion concerning the symptoms of cystic fibrosis; and

Whereas a national awareness of the cystic fibrosis problem will stimulate interest and concern leading to increased research and eventually a cure for cystic fibrosis: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the third week of September of each year is designated as "National Cystic Fibrosis Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. GARCIA. Mr. Speaker, House Joint Resolution 212 designates the

third week in September as "National Cystic Fibrosis Week." This week is designed to increase public understanding of cystic fibrosis, which is the No. 1 killer of children in America. National awareness of the cystic fibrosis problem will stimulate interest and concern leading to increased research and eventually a cure for cystic fibrosis.

House Joint Resolution 212 has been cosponsored by over 218 Members.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: Page 2, line 3, strike out "The third week of September of each year" and insert in lieu thereof "the week beginning September 13 through 19, 1981."

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Joint resolution designating the week beginning September 13, 1981, as "National Cystic Fibrosis Week."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the joint resolutions just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1982

Mr. PRICE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3519) to authorize appropriations for fiscal year 1982 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3519, with Mr. DANIELSON, Chairman pro tempore, in the chair.

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The Clerk read the title of the bill.

□ 1050

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Tuesday, July 14, title IX had been considered as having been read and open to amendment at any point.

Pending was the amendment recommended by the Committee on the Judiciary, as amended, and an amendment offered by the gentleman from Florida (Mr. SHAW) to the committee amendment, as amended, on which a recorded vote had been requested.

Does the gentleman from Florida (Mr. SHAW) insist on his request for a recorded vote?

Mr. SHAW. I do, Mr. Chairman.

## RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Florida (Mr. SHAW) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 248, noes 168, answered "present" 1, not voting 15, as follows:

[Roll No. 129]

AYES—248

Akaka	Derwinski	Hubbard
Albosta	Dickinson	Huckaby
Alexander	Dicks	Hunter
Andrews	Dorgan	Hutto
Anthony	Dornan	Hyde
Archer	Dougherty	Ireland
Ashbrook	Dowdy	Jeffries
Badham	Dreier	Jenkins
Bafalis	Duncan	Johnston
Bailey (MO)	Dunn	Jones (OK)
Barnard	Dyson	Jones (TN)
Beard	Early	Kazen
Bedell	Edwards (AL)	Kramer
Benjamin	Edwards (OK)	LaFalce
Bennett	Emerson	Lagomarsino
Bereuter	English	Latta
Bethune	Erdahl	Leath
Bevill	Erlenborn	LeBoutillier
Bliley	Evans (GA)	Lee
Boggs	Evans (IA)	Levit
Boner	Evans (IN)	Lewis
Bouquard	Fascell	Livingston
Bowen	Fazio	Loeffler
Breaux	Fiedler	Lott
Brinkley	Fields	Lowery (CA)
Broomfield	Fithian	Lujan
Brown (CO)	Flippo	Lungren
Brown (OH)	Florio	Madigan
Broyhill	Fountain	Marlenee
Burgener	Fowler	Marriott
Butler	Frenzel	Martin (IL)
Byron	Fuqua	Martin (NC)
Campbell	Gaydos	Martin (NY)
Carman	Gephardt	Mavroules
Chappell	Gibbons	McCollum
Chapple	Gingrich	McCurdy
Cheney	Ginn	McDade
Clausen	Goldwater	McDonald
Clinger	Gramm	McEwen
Coats	Grisham	McGrath
Coleman	Hagedorn	McKinney
Collins (TX)	Hall (OH)	Mica
Conable	Hammer	Michel
Corcoran	Hance	Miller (OH)
Coughlin	Hansen (ID)	Minish
Courter	Hansen (UT)	Mollnari
Coyne, James	Hartnett	Montgomery
Craig	Hatcher	Moore
Crane, Daniel	Hefner	Moorhead
Crane, Philip	Hefl	Morrison
Daniel, Dan	Hendon	Mottl
Daniel, R. W.	Hightower	Myers
Dannemeyer	Hiller	Napier
Daub	Hillis	Neal
Davis	Holland	Nelligan
de la Garza	Holt	Nelson
Derrick	Hopkins	Nichols

Nowak  
O'Brien  
Parris  
Pashayan  
Patman  
Patterson  
Pepper  
Porter  
Pritchard  
Quillen  
Rallsback  
Regula  
Rhodes  
Ritter  
Roberts (KS)  
Roberts (SD)  
Robinson  
Roemer  
Rogers  
Rose  
Rostenkowski  
Roth  
Rousselot  
Rudd  
Sawyer  
Schauer

Schneider  
Schulze  
Sensenbrenner  
Shaw  
Shelby  
Shumway  
Shuster  
Sijander  
Skeen  
Skeltton  
Smith (AL)  
Smith (IA)  
Smith (NE)  
Smith (NJ)  
Smith (OR)  
Snowe  
Solomon  
Spence  
St Germain  
Stangeland  
Stanton  
Staton  
Stenholm  
Stratton  
Stump  
Tauke

Tauzin  
Taylor  
Thomas  
Traxler  
Trible  
Walgren  
Wampler  
Watkins  
Weber (MN)  
Weber (OH)  
Whitehurst  
Whitley  
Whittaker  
Whitten  
Williams (OH)  
Wilson  
Winn  
Wolf  
Wortley  
Wylie  
Yatron  
Young (AK)  
Young (FL)  
Young (MO)  
Zablocki

□ 1100

The Clerk announced the following pairs:

On this vote:

Mr. Jones of North Carolina for, with Mr. Mitchell of Maryland against.

Messrs. DYMALLY, EMERY, JEFFORDS, ECKART, and BONKER changed their vote from "aye" to "no."

Messrs. PORTER, ANTHONY, HAGEDORN, LEVITAS, Mrs. BOUQUARD, Messrs. HIGHTOWER, LAFALCE, BEVILL, PRITCHARD, BROWN of Ohio, FRENZEL, and NEAL changed their vote from "no" to "aye."

So the amendment to the Judiciary Committee amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. NELSON. Mr. Chairman, I would like to take this opportunity to express my strong support for Mr. SHAW's amendment to H.R. 3519, an amendment that would significantly enhance the power of civil authorities to deter and eliminate the damage that drug-related crime is inflicting upon our society.

I have just returned from an 11-day, 29-stop tour with government officials in the Caribbean region and I have studied firsthand the transfer point on the drug traffic highway. Our Nation's Coast Guard and civil law authorities have been losing the war in combating an increasing flow of illegal drugs to the United States and as a result, have strained our current resources for drug enforcement to the limit. We are losing this battle because of our inability to use all of the available resources and equipment in our effort against illegal drugs.

My own State of Florida has long been a receiving point for drug-related traffic. The Coast Guard and civilian authorities occasionally seize and apprehend offenders but all too often the offenders escape or go undetected and the only traces are the bales of marihuana that wash ashore on the public beaches or the shells of holloed out planes that are abandoned on deserted airfields.

I support Mr. SHAW's amendment because I believe it is vitally important that we combine our efforts in order to enhance the power of and the cooperation between our Federal, State, and local authorities. Our U.S. Armed Forces have the equipment and the capability to render assistance to the civilian authorities in locating and seizing ships and aircraft involved in drug trafficking and I urge strong support of this amendment so we may significantly enhance our position in this war on drug crime.

## NOES—168

Addabbo  
Anderson  
Annunzio  
Atkinson  
AuCoin  
Bailey (PA)  
Barnes  
Beilenson  
Benedict  
Biaggi  
Bingham  
Blanchard  
Boland  
Bolling  
Bonker  
Brodehead  
Brooks  
Brown (CA)  
Burton, John  
Burton, Phillip  
Carney  
Chisholm  
Clay  
Coelho  
Collins (IL)  
Conte  
Conyers  
Coyne, William  
Crockett  
D'Amours  
Danielson  
Daschle  
Lee  
Dellums  
Dingell  
Dixon  
Donnelly  
Downey  
Dwyer  
Dymally  
Eckart  
Edgar  
Edwards (CA)  
Emery  
Ertel  
Evans (DE)  
Fary  
Fenwick  
Ferraro  
Findley  
Fish  
Foglietta  
Foley  
Ford (MI)  
Ford (TN)  
Forsythe  
Frank

Frost  
Garcla  
Geldenson  
Gilman  
Glickman  
Gonzalez  
Gore  
Gradison  
Gray  
Green  
Gregg  
Guarini  
Gunderson  
Hall, Ralph  
Hall, Sam  
Hamilton  
Harkin  
Hawkins  
Heckler  
Hertel  
Hollenbeck  
Horton  
Howard  
Hoyer  
Hughes  
Jacobs  
Jeffords  
Kastenmeyer  
Kildee  
Kindness  
Kogovsek  
Leach  
Lehman  
Leland  
Lent  
Long (LA)  
Long (MD)  
Lowry (WA)  
Lukens  
Lundine  
Markey  
Marks  
Matsui  
Mattox  
Mazzoli  
McClory  
McCloskey  
McHugh  
Mikulski  
Miller (CA)  
Mineta  
Mitchell (NY)  
Moakley  
Moffett  
Mollohan  
Murphy

Murtha  
Natcher  
Oakar  
Oberstar  
Obey  
Ottinger  
Panetta  
Paul  
Pease  
Perkins  
Petri  
Peyser  
Pickle  
Price  
Pursell  
Rahall  
Rangel  
Ratchford  
Reuss  
Richmond  
Rinaldo  
Rodino  
Roe  
Roukema  
Russo  
Sabo  
Schroeder  
Schumer  
Seiberling  
Shamansky  
Shannon  
Sharp  
Simon  
Snyder  
Solaz  
Stark  
Stokes  
Studds  
Swift  
Synar  
Udall  
Vento  
Volkmeyer  
Walker  
Washington  
Waxman  
Weaver  
Weiss  
White  
Williams (MT)  
Wirth  
Wolpe  
Wright  
Wyden  
Yates  
Zeferetti

## ANSWERED "PRESENT"—1

Roybal

## NOT VOTING—15

Applegate  
Aspin  
Bonior  
Cotter  
Deckard

DeNardis  
Gooding  
Jones (NC)  
Kemp  
Lantos

Mitchell (MD)  
Rosenthal  
Santini  
Savage  
Vander Jagt

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□ 1110

## PARLIAMENTARY INQUIRY

Mr. HUGHES. Mr. Chairman, I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HUGHES. As I understand the parliamentary situation, Mr. Chairman, it is that the Hughes amendment, as amended by the Shaw amendment which just carried, is now pending before the House. So, as I seek an aye amendment on the Hughes amendment, that is the next order of business?

The CHAIRMAN. So the Chair can restate, we have before the Committee now the Judiciary Committee amendment, as amended by both the White and Shaw amendments.

Mr. HUGHES. So the situation is that the Hughes amendment is pending, as modified by the White amendment, which was accepted by the Judiciary Committee, and as just modified by the Shaw amendment? That is the next order of business?

The CHAIRMAN. That is correct.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time in an effort to clarify a point that has been raised by the adoption of the Shaw amendment. The White amendment, which was adopted previously with the approval of the Committee on the Judiciary, said in effect that no equipment could be operated in the land area of the United States, except for the use of monitoring and communicating air and sea traffic; or, second, is engaged in entering or leaving the land area of the United States.

The Shaw amendment, which amended the White amendment, says that the Armed Forces can assist drug enforcement officials in drug seizures or arrests outside the land area of the United States.

My question to the gentleman from Texas (Mr. WHITE), the author of the original amendment, is just how he interprets—and I think we ought to have it in the legislative history—just what is the area involved in “entering or leaving” the land area of the United States? Are we talking about the 200-mile limit, which would severely limit these antidrug activities. I think this is a matter that might be of interest to Members of the House if they are ever entering or leaving the coastal waters in their own boats, and I think we ought to define precisely what is involved. Is it the 200-mile limit or is it just the area directly in shore?

I would appreciate the gentleman from Texas giving his understanding.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. I thank the gentleman for yielding. The amendment contemplated that this equipment could be used to monitor, track, and conduct

surveillance at any point of the land area. That did not mean the 200-mile limit, but right to the land. In fact, the Attorney General's office interprets this to permit hot pursuit.

With the Shaw amendment added on to the bill, for giving the power of arrest at sea, principally at sea, then I would assume, then, that hot pursuit could also cover arrests, too. In other words, if a would-be violator or suspected violator were to dodge into a reef area or make the land, then I would believe they could come to that land area to grab them, and to arrest at that point.

This was the objective, not to give them a sanctuary over the 200-mile limit.

This amendment authorizes the use of military personnel, uniformed and civilian, to assist civilian law enforcement officials in the operation and maintenance of equipment which has been made available under proposed section 372 of title 10. This type of direct operational assistance is generally prohibited by the Posse Comitatus Act (18 U.S.C. 1385). The tradition of creating exceptions to the important doctrine of separating the military from civilian law enforcement is maintained by limiting the application of the section to three sets of specific criminal statutes and to narrowly prescribed circumstances.

The type of military assistance which will be rendered under this section consists of the operation and maintenance of sophisticated equipment in circumstances where it would not be practical or feasible to train civilians. The types of laws which can justify the requests for military assistance are Federal statutes which frequently involve the movement of vessels or aircraft into or out of the United States. Three separate types of offenses are listed: Drug laws, immigration laws, and customs-related statutes. The first two sets of statutes are included by reference to the criminal statutes which would form the basis of the investigation and possible criminal charge. The third category, that is customs related laws, is described generically.

The word “arrival” is used to encompass all those criminal statutes which prohibit the introduction, bringing in, entry or importation of property into the United States. The term “departure” is used to mean the exportation or attempted exportation of goods or materials from the United States in contravention of a criminal statute. For example, the arrival of certain merchandise is proscribed by the Tariff Act of 1930, the Gun Control Act, for example (18 U.S.C. 892(a)(3), 18 U.S.C. 922(a)) and by chapter 27 of title 18. The departure branch of this type of statute includes violations, or attempted violations, of 22 U.S.C. 401, relating to illegal exportation of war materials; 22 U.S.C. 2778, relating to control of arms exports and imports; 50 U.S.C. App. 2401 et seq., relating to

the Export Administration Act of 1979. The other terms used with respect to violations of the customs laws are defined by reference to an existing statute. These terms are used in order to preserve the judicial and administrative interpretations used in the referenced citation.

The grant of authority to the military personnel to take such action incidental to the operation or maintenance of equipment is meant to be read in conjunction with the limitations of section 374. Proposed section 374 requires the Secretary of Defense to promulgate regulations which prohibit the use of military personnel in “any search and seizure, and arrest or other similar activity.” The use of the term “incidental” is designed to continue the current policy of the Department of Defense which authorizes military personnel to take actions to defend themselves and Federal property when such action is undertaken in response to the exigencies of the situation. See, for example, Department of Defense Directive 3025.12 V-C-1-b, August 19, 1971.

Subsection (b) of proposed section 375 places several limitations on the types of operational assistance which may be granted. Nothing in this section limits the permissible locale of maintenance assistance authorized under subsection (a). Under subsection (b) the operational assistance must take place in the land area of the United States with certain defined exceptions. The exceptions are set forth in order to meet legitimate law enforcement needs and to answer questions which arose in the Committee on the Judiciary when a similar amendment was under consideration. See House Report 97-71, part II at 12 n. 3.

The term “land area of the United States” is used to create a line of demarcation which will permit the operation of equipment in coastal waters, estuaries, and other major navigable bodies of water. These waterways are frequent routes of drug trafficking into the United States. Examples of places where such operational assistance would be authorized include the coastal waters surrounding offshore islands of South Carolina, Georgia, and North Carolina. The estuaries where such assistance could take place include places like the Chesapeake and Delaware Bays. It is not intended, however, that military personnel be used to operate equipment to interdict pleasure craft whose passengers may be using illegal drugs while cruising on inland waters, lakes, and rivers.

The two exceptions to this rule against domestic assistance by the military are designed to meet legitimate law enforcement concerns. The first exception would allow the operation of radar or other types of electronic surveillance or tracking equipment. The second exception covers two different types of situations. The first branch of this exception reaches oper-

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ational assistance on the land area of the United States when such operation is the point of departure or arrival of the equipment. For example, an Air Force pilot based in the United States could operate an aircraft when the law enforcement mission was to occur outside the United States. The second circumstance under which operational assistance could occur within the land area of the United States would be when a suspected violator was entering the air or sea space of the United States and the military equipment was tracking such entry. This type of tracking would most frequently result from hot pursuit by military ships or aircraft, but could, on occasion, be the result of electronic observations.

Mr. STRATTON. In other words, this might allow the AWACS, for example, to determine what planes were coming in or what boats were leaving?

Mr. WHITE. I think the AWACS could have been used in any event, whether we have the Shaw amendment or not, because it was for surveillance and tracking.

Mr. STRATTON. I thank the gentleman.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New Jersey.

Mr. HUGHES. Just for further enlightenment, the land area that we refer to, of course, is the land area of the Continental United States.

□ 1120

Mr. HUGHES. And we envision the taking off from and landing of airplanes or helicopters, for instance, on bases in the interior of the country, as well as the right to use that equipment in the estuaries and along the coast of the United States, because often the pursuit does involve those estuaries.

Just so the record is clear, that we have tried to anticipate all of those situations where the law enforcement community will need that equipment or that manpower to operate the equipment.

Mr. STRATTON. I just wanted to make sure that we did not have a 200-mile sanctuary area where a lot could happen that was not too good.

Mr. McCLODY. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Illinois (Mr. McCLODY).

Mr. McCLODY. I thank the gentleman for yielding.

Mr. Chairman, what the Judiciary Committee did was to provide the full range of activities that was recommended by the Armed Services Committee, with the exception of searches, seizures, and arrests by the military.

Under the amendment offered by the gentleman from Florida (Mr. SHAW), which was just adopted the searches, seizures, and arrests can take place beyond the land area, that is the physical land area, of the United

States. That is the modification which has been made as a result of the Shaw amendment. I would hope that in this form this body would see fit to support the Judiciary Committee amendment, as amended by the amendments that have been adopted which were offered by the gentleman from Texas (Mr. WHITE) and the gentleman from Florida (Mr. SHAW).

Mr. STRATTON. I think the crucial question is what the amendment offered by the gentleman from Texas (Mr. WHITE) did, and I am happy that it has not provided a 200-mile sanctuary.

Mr. McCLODY. The language relates to the physical land area of the United States, not the 200-mile limit.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Illinois (Mr. McCLODY) inadvertently referred to the Hughes amendment, as amended by the White and Shaw amendments, as allowing searches and seizures on offshore. It does not allow searches. One of the anomalies of the Shaw amendment is that it allows arrests and it allows seizures, but it does not allow searches. How are you going to determine whether a person should be arrested, how are you going to determine what should be seized, if you cannot make a search?

I just think the record ought to be made clear that we have a very anomalous thing in the language of the Shaw amendment.

Mr. McCLODY. If the gentleman will yield, I thank the gentleman for the clarification.

But I was just trying to explain the status of the legislation. I accept the gentleman's clarification.

Mr. SEIBERLING. I just wanted the record clear so that somebody reading it would not think that it also authorized searches, which would be an even greater infringement.

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to congratulate the House on giving very careful thought to this matter that was brought to their attention, everybody doing exactly what they thought was best for our country, and I think the results have been good.

I do feel that, when it comes to a vote on the Hughes amendment, since it does leave out a substantial thing, which I think ought to be added, I am going to ask for a recorded vote; and hopefully a majority vote since the bill as unamended is still a stronger measure.

But I must say that, from my standpoint and the view that I have of this matter, it is about a 90-percent victory as it now is, because it does allow most of the things that the original legislation, the amendment to the Armed Services Committee bill, allowed.

The thing that it does not allow is, it does not allow the possibility of seizing on land.

The real reason I want a vote on this is because I would hope that we would pass that you could seize on land. And why would I want to seize on land? Well, really, there is only one place that I have much concern about, and that is the Rio Grande. I do believe that once the drug smugglers feel that they are cut off from the sea and from the air, they will use the hundreds of thousands of millions, or so, a year that come in illegally from Mexico, and the sellers will try to prevail on those people to bring in the drugs.

Well, I think that pushers ought to know that is not a door that is open to them. Therefore, I would prefer not having the Hughes amendment, as perfected as it is. I would rather have the thing that is actually in the bill. If there are any imperfections that are not just exactly perfectly written in the amendment which I drafted originally—I do not know of any—but if there are any things of that type, they can be handled in the conference.

The reason I asked for this 5 minutes was just simply to express that when the vote comes upon the Hughes amendment, I will ask for a recorded vote. I hope some Members will stand up with me. I hope we will have a recorded vote. I hope we will vote down the Hughes amendment, even though it has been very much improved, because that will leave the original language of the bill intact.

Mr. SAWYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to address the gentleman from Florida (Mr. BENNETT), if I may have the gentleman's attention.

Let me clarify that the only thing that is not permitted is actual arrests or seizures by the military.

The DEA, Customs, and other law enforcement agencies are totally empowered to make such arrests and seizures, with the assistance of military equipment.

Mr. BENNETT. The gentleman's observation is correct.

Mr. SAWYER. The military, the DEA, and others testified in hearings before our subcommittee that they have adequate personnel always available to do the actual arresting and seizure. So I do not think we have a problem.

Mr. BENNETT. As long as you are not actually seizing anybody, as long as you are not actually making an arrest, you have plenty of people to do it.

The point is, we are not getting enough of these people.

It is kind of a dumb statement to say that when you are losing 85 percent of the stuff that is entering this country, you have got plenty of people to seize it. Well, of course you have plenty of people to seize it, because you do not know where it is. And it is just like saying if you are not going to arrest anybody, you have plenty of people to arrest them. I think that is



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true. But I think the bill would be improved by turning down the Hughes amendment, as amended.

Mr. HERTEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think if we look clearly under all of the confusion here in the House, we see that the Hughes amendments, as amended by White, is good. It is good because the great problem that we found throughout this controversy is that we cannot use legally the AWACS to give the information to local and State law enforcement agencies, to intercept, to arrest, which is their duty.

It is ironic that when this House has cut the Coast Guard budget, when one of the primary duties of the Coast Guard is to interdict this type of illegal traffic, that here we are saying, "Now, the Army and the Navy should do the job that is charged to the Coast Guard."

The Coast Guard has testified in opposition to the Army and Navy getting involved. And I ask the question at this time: Since we lose a lot of our drug arrests in court because the arrests are not done properly, under proper procedures, is there any money in the amendment that was just passed by this House to train Army and Navy personnel to make proper drug arrests?

Because we have a great problem with even our local law enforcement officials not always doing that.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HERTEL. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to thank my colleague, the gentleman from Michigan, for yielding to raise this question: Where is the money going to come from?

Well, the military has already testified that the reason that they do not want it is because it will require additional resources, additional training, different from that of military personnel, to enforce civilian laws.

So the answer is probably it is not coming from anywhere, which means that the Secretaries of the respective branches of the armed services under the exemptions included in the Hughes amendment are not going to do a darn thing about sending in the military because it is a Catch-22 situation.

□ 1130

Mr. HERTEL. Mr. Chairman, I would say that what the House should be doing is spending the money properly. Increasing the Coast Guard budget is the job we have got to do rather than cutting the Coast Guard budget. The money we are going to lose, especially when we are understaffed now in our Armed Services by diluting the strength in trying to train new people for new jobs, could more effectively be spent by putting that money where it should be and to in-

crease greatly the Coast Guard budget.

Mr. CONYERS. Mr. Chairman, will my colleague yield further?

Mr. HERTEL. I yield.

Mr. CONYERS. I thank my colleague for yielding. The reason that we are in a more difficult situation is contrary to the statement of my other colleague from Michigan, from Grand Rapids, who said that the DEA testified before this committee that it has adequate resources. They testified just the opposite. As a matter of fact, the former head of DEA no longer works there anymore. Pete Bensinger has now gone the way of the CIA chiefs, and we are meeting here today with testimony in the subcommittee of this committee chaired by the gentleman from New Jersey, that they did not even have the adequate forces to cover the perimeter of the United States, including the Florida area, which the gentleman from Florida (Mr. BENNETT) has been so persistent in arguing that we are inadequate in supplying the resources.

And so there you have it. Do we have enough resources? Well, if we had enough we would not have to bring the military into this in the first place. In the second place, the testimony before that committee was that the head of the DEA does not have sufficient resources, does not have manpower, does not have equipment, and does not have the cooperation of the other branches of law enforcement. So, the gentleman's point is well stated.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(At the request of Mr. BIAGGI and by unanimous consent, Mr. HERTEL was allowed to proceed for 4 additional minutes.)

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. HERTEL. I yield to the honorable chairman of the Merchant Marine Subcommittee.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman, this is the second day of debate on this issue. It is the kind of an issue that interests all of us. The surest way to attract attention in law enforcement is to raise the specter of narcotic trafficking. In fact, it is more than a specter, it is a reality.

For the new Members of this House, I would like to inform them of the fact that I spent 23 years of my life in the police department of the city of New York, on patrol and in charge of detectives, and no one is more committed to the enforcement of our drug laws in this House than myself. I have served as chairman of the Coast Guard Subcommittee. While I served in that position we had hearings, especially in the Caribbean area, and we found out very clearly that there were a number of loopholes. The Congress last year responded in closing one of the loopholes to put some teeth in the prosecution, the ability of law enforcement

officials to arrest and prosecute successfully, as contrasted to the previous experience of turnstile process.

The arrest was made, the prosecution would fail to prosecute because they did not have the authority nor the evidence. The law was changed.

Another thing we learned is that we had the facilities, the land agencies had the facilities to make arrests, but they did not have the required information, information that was readily available and obtainable. If the AWACS had the authority to transmit that information to the land agencies. The fact of the matter is, they were prohibited by virtue of posse comitatus, and that is one of the reasons—frankly, that is the only reason and the only need that the law enforcement agencies require, an ability to obtain information. When the AWACS, which is always in the air for those who are uninformed, it is always flying and it is always making observations, and it can very effectively detect the typical profile of the aircraft that is transporting narcotics day after day, and can identify the typical vessel that transports narcotics. All that is necessary is the identification and location, and then the land agencies can come into play, effectively come into play and interdict at that point. That is all the law enforcement agencies require.

Now, the notion of bringing in the military and to in fact substitute them, supplement the law enforcement agency, make them policemen, is a little strange. To begin with, there is sufficient testimony to the fact that the military is not interested. The military does not have resources. That is clear; that is clear.

I know why people vote for certain amendments. It is an easy political vote. I understand it, but it is not a correct vote. It is not responding precisely to the need, and we are endangering the total question by perhaps trespassing into the constitutional area. I do not know whether it is or is not. I have heard debate back and forth, and some people say yes, and some people say no. But, I think we should put that question aside. It does not belong here.

We should deal more narrowly with the immediate need. The language we find in the Hughes amendment is critical language, as amended by White. That is all that is necessary. I ask the Members of the House, do not think in terms of easy political vote; think in terms of what is necessary and what can be productive because in the end the actual implementation of the amendment by Mr. SHAW, who is in full support and is as concerned as any one of us—and he is to be commended for his efforts and I understand his special concern, coming from Florida—in the end the military will not be able to effectively deal with the matter. I suggest that they will not respond

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given the notion that the Secretary of Defense opposes it.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words.

(Mr. HUGHES asked and was given permission to revise and extend his remarks.)

Mr. HUGHES. Mr. Chairman, colleagues of the House, I hope that I will not need the full 5 minutes, and if the Members will just bear with me for just a few minutes perhaps we can move on to the votes and on to other issues.

We have right now, for the first time in a long time, two members leading the Crime Subcommittee with a lot of experience in law enforcement—the ranking minority member, who was a prosecutor for a number of years, and this member, who has served for 10 years in law enforcement. Our Subcommittee on Crime is going to give the Members an opportunity in the months ahead to vote on a tough anti-crime package, and our first priority, let me assure the Members, is in the area of drugs. But, let me tell the Members what they have done in the budget now before the Congress.

Do you realize that there is not one penny—I will repeat that—not one penny in this budget for an anticrime package? Do you realize that the Drug Enforcement Administration since 1978 has lost real dollars each and every year; that in fact their task force operation was to have been dismantled under the budget, one of the most successful task force operations that we have in law enforcement? That training programs are being gutted? If Members will look at the Bureau of Alcohol, Tobacco, and Firearms, in the area of arson investigations, it is being dismantled. Their handgun tracing efforts are in peril. The FBI and the Marshals programs have been cut.

□ 1140

We have cut across the board, at a time when the crime rate is taking off. What have we done? What we have said in essence is that we are going to take money from the military budget to beef up the training for the military to give soldiers the right to arrest and seize, but deny those funds and resources to our police.

So what we have said in essence is that we are not going to give law enforcement officers more training, but we are going to give our soldiers and sailors that training in order for them to assist law enforcement. Neither the military nor the law enforcement community wants or needs the right to arrest and seize. It is incredible that we have done this. But we have, and I respect the will of this body.

So where do we go from here? The fact of the matter is that the Judiciary Committee did take extensive testimony, and we have tried to craft a bill that meets the needs of the law enforcement community. The adminis-

tration, the Justice Department, and the Defense Department have asked for certain guidelines, and we have tried to incorporate those into the Judiciary Committee legislation.

Let me just tell the Members briefly some of the differences between the so-called Hughes version and the Bennett version. In the Bennett version of the bill there is provided the right of the military to assist in arrest and seizure. There is no suggestion that they would have the authority, however, to operate equipment. The very thing that the law enforcement community needs—equipment and manpower to operate it—is not covered in the Bennett version of the bill.

Mr. MINISH. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I will be happy to yield after I have finished.

Mr. Chairman, the second problem is that—inadvertently, I am sure—the Bennett version would make the Coast Guard, which is one of the lead agencies in drug enforcement, subservient to the Department of Defense. Here we have an agency—the Department of Defense—that does not want to cooperate, and we are going to take them in peacetime and make them subject to the Secretary of Defense. Does that make sense to the Members? It does not make sense to me.

I will ask the Members to listen to this next provision. It is incredible. In the Bennett language the Secretary of Defense, in order to provide the equipment and in order to provide the personnel for assisting in arrest and seizure, has to make a finding that the drug enforcement operation would not succeed without personal military assistance. How in the world can the Secretary of Defense make that finding? He is not a law enforcement official with such expertise. How can he know whether a drug operation is going to succeed without his assistance? Yet we have help subject to that finding.

The difficulty we have had with the Defense Department is that they do not want to cooperate at times. Field commanders are now rejecting from time to time requests for equipment and assistance from the Drug Enforcement Administration because of a lack of clear policy directives. Here we are, giving the Defense Department another out. All the Defense Department has to do is to say that they cannot determine the operation would succeed without assistance, so we are actually undermining what good we have done. We at least now have an informal understanding between the Defense Department and the law enforcement community to share intelligence, equipment, and personnel from time to time. We are even undermining that by this language.

So, Mr. Chairman, in essence there are some major differences even now between the Bennett bill and the Hughes version.

Mr. MINISH. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from New Jersey.

Mr. MINISH. Mr. Chairman, I thank the gentleman for yielding.

It is my understanding that in Germany, where they do have a drug problem as certified by the military, and some member of the Armed Forces is involved, can the military police make an arrest under the gentleman's amendment?

Mr. HUGHES. Of course. We have not touched that. This is civilian law enforcement. The military has primary responsibility for arrests in the military community. That is an entirely different problem, and we do not touch that.

We are talking about civilian law enforcement. The Justice Department is opposed to the Bennett approach. It is adamantly opposed to that approach, and every law enforcement agency which testified before our committee is opposed to that.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HUGHES) has expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 1 additional minute.)

Mr. HUGHES. Mr. Chairman, the Defense Department does not want the arrest and seizure authority for a good reason—they want to keep their personnel as soldiers. They are not versed in law enforcement. We have enough difficulty preserving evidence in court with trained law enforcement officials without making that task even more difficult.

So, Mr. Chairman, I urge my colleagues to support the so-called Hughes amendment.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, before we get ready to vote, we might just want to determine what the testimony was before the Subcommittee on Crime, which heard from Peter Bensinger, former head of the DEA, on the drug problem. One member of the subcommittee who was there has said that Mr. Bensinger testified that DEA has adequate resources.

I happen to have been there and questioned him rather carefully on this subject, and I happen to have heard something different.

What did Mr. Bensinger say? Did he say that we need the military, the Army, the Navy, and the Marines, to join with the Coast Guard, with the DEA—which operates worldwide on about \$10 billion per annum—with the FBI, with the CIA, and with all the State governments' law enforcement agencies? Did he say that we need the military?

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Well, I want to tell the Members that Mr. Bensinger said we need resources inside DEA. He said we need additional personnel and additional resources. We are not even covering the perimeter of the United States in Florida, where planes can be seen flying in narcotics cargoes and where, if the drug pushers just fly in five planes, they will get one through on the law of averages. DEA does not have the resources to cover the perimeter on a 24-hour-a-day basis.

What I am suggesting to the Members is that what we have done here is to confound the issue utterly. I am now predisposed to offer an amendment to strike the entire posse comitatus provisions from the defense bill under which it has been so unthoughtfully brought. I will ask the Members to please hold their applause down. It is not in order to raise these public outcries of approval.

We have taken on an amendment that permits the military to make arrests and permits the military to make seizures but not searches. Imagine the situation of a law-enforcement officer who makes an arrest and a seizure and in court finds out, when the bag is opened, that the contents are sawdust and not dope? There is no search permitted under the amendment just adopted.

Mr. Chairman, I urge that the Members consider what we have done here today and how we might best straighten it out. My solution is to strike the entire section from this bill.

Mr. BEARD. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield briefly, if it is appropriate to what I have just said.

Mr. BEARD. Certainly. I would never do otherwise, I say to my colleague.

Mr. CONYERS. The gentleman frequently does otherwise. That is why I made that condition.

Mr. BEARD. Mr. Chairman, let me just ask the gentleman this: I think the gentleman's point about the search aspect or the lack of search capabilities in the bill or the amendment is a very appropriate one. Would the gentleman be disposed to support or offer an amendment to include the search?

□ 1150

Mr. CONYERS. No; I will not. Would the gentleman who asked me that question be predisposed to offer one?

Mr. BEARD. I think I might just consider that.

Mr. CONYERS. Then the gentleman may just offer it and find out what this gentleman does on it at the point the gentleman does make that offer. I will be waiting with baited breath to see what the gentleman does.

Mr. BEARD. I take that for granted.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I apologize for imposing upon the time of an obviously impatient House, but I speak as chairman of the Subcommittee on the Coast Guard in this Congress.

One of the reasons I was not able to participate in the debate yesterday was—and I find this somewhat ironic—that the Subcommittee on the Coast Guard was having the second in a series of six oversight hearings on the entire mission of the U.S. Coast Guard, and I rise at this point simply to point out that we, I fear, are in the process of doing one of those things which we do best, which is kidding ourselves.

If any Member of this House thinks seriously that the proposition we are in the process of debating, and undoubtedly adopting in a moment, is going to have any constructive, major, substantive impact on the interdiction of illegal drug trafficking in this country, he is indeed kidding himself.

As has been pointed out by a number of Members, there is not one penny of additional resources made available for the Armed Forces in this bill, and let me tell my colleagues something about the U.S. Coast Guard.

The Coast Guard estimates that they are at the moment interdicting approximately 15 percent of the illicit narcotics which they are targeting. The Coast Guard has just been cut again for the umpteenth consecutive year by this body in its infinite wisdom in the adoption of the current budget. We are losing.

The Coast Guard has a number of missions, as Members know, in addition to drug enforcement. One of them happens to be search and rescue, the responsibility for the safety of life and property at sea. More Americans are dying, lives that could, in the judgment of the Coast Guard, have been saved that are not being saved because of the judgment of this Congress that we should reduce rather than increase the resources of the U.S. Coast Guard.

The Commandant of the Coast Guard, in response to a question as to what additional resources he would need in order to interdict 50 percent of the drugs which he is after, said, "I would need additional appropriations of between \$1½ and \$2 billion."

Let me tell my colleagues two things, first of all, about the entire budget of the Coast Guard. The annual budget of the U.S. Coast Guard is roughly \$2 billion. The Commandant informs us that, in order to interdict roughly one-half of the drugs estimated to be coming in, he would need that budget doubled again with the increase devoted solely to drug interdiction.

Let me give my colleagues another figure. We are told that in order to have any meaningful impact on the trade, in order to seriously impact it, we would have to interdict 75 percent of the drugs. That is the target officially of the Coast Guard. They are attempting to interdict 75 percent.

We have given them the resources to interdict roughly 15 percent, and in the budget just adopted by this House, in real dollars, we cut that and we cut it substantially.

It just seems to me that while it might make some of us feel better and some feel worse, depending on whether we have constitutional reservations about what we are about to do, let me assure the Members that with respect to the substance of the question, the potential interdiction of illicit narcotics, we are accomplishing absolutely nothing.

While we may, as I said at the beginning, be doing what we do so remarkably well, namely kidding ourselves and in the process, perhaps, the American people, we are not solving the problem.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Chairman, I certainly share the gentleman's frustrations with respect to the Coast Guard. I cannot think of any service that is more worthy, that has been treated more shabbily by this Congress, and the administration.

I would vote for a \$2 billion increase in the budget for the Coast Guard right now so they could do their job, but I am frustrated; too. This administration wants to abolish DEA; it did not fund LEAA; it cut back on funds for the Immigration and Naturalization Service and other law enforcement—all to cope with a drug problem that is subverting the entire country, not just the State of Florida.

So, I look at \$1,650 trillion to be spend in the next several years for the defense budget, and they are going to have to spend about \$1 billion a day for the next 5 years.

The cooperation sought by the amendment will make no dent in that budget. Frankly I am so frustrated at the failure of the Federal Government to come to grips with the crime and drug problem and with the inability to enforce our immigration laws, I am ready to turn it all over to the military. They have the budget—but for now I urge my colleagues to support the effort of the distinguished gentleman from Florida and the pending amendment.

Mr. STUDDS. I appreciate the gentleman's frustration and I, too, support the amendment.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Chairman, I serve on the Coast Guard Subcommittee and I was the member who asked the Commandant the question referred to by my colleague from Massachusetts (Mr. STUDDS) as to the size and shortcom-

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ings of the Coast Guard budget. Let me make one more observation. The one man in the entire administration, Peter Bensinger, who was trying to do something about putting money back into the budget for drug operation, was fired. He was fired precisely because he sought additional moneys to combat the illicit traffic in drugs. What a tragedy for this country.

I would assume my colleague supports the Hughes amendment and I would hope that we can get on to a vote.

## POSSE COMITATUS

● Mr. YOUNG of Florida. Mr. Chairman, I want to express my strong support for the efforts to amend the Posse Comitatus Act to allow assistance from our military forces in the fight against drug traffickers. This legislative effort is long over due.

I am a sponsor of similar legislation, H.R. 3506, which is also aimed at addressing this growing problem that is devastating not only my home State of Florida but our entire Nation.

I want to take a moment to compliment my good friend and colleague from Florida (Mr. BENNETT) for his initiative in utilizing this fiscal year 1982 DOD authorization bill as the vehicle for accomplishing our mutual objective. He has done a tremendous service to our Nation and I believe we all owe him a debt of gratitude.

As Members from the State of Florida, Mr. BENNETT and I know first hand the problem our law enforcement officials are running into in attempting to stem the tidal wave of drugs that continue to pour into our country from foreign nations—principally, Colombia, Jamaica, Bolivia, and Peru. Our State is practically caught in the middle of a war between the heavily armed and equipped drug smugglers and our law enforcement officials. Unfortunately, as of today we are still losing the battle. It is time for us to declare war on the drug traffickers. Utilization of the assets of the Department of Defense will enable our law enforcement officials to meet this threat head on and hopefully we can win this war eventually and save millions of Americans from the misery and horrors of drugs.

According to Florida's attorney general, Jim Smith:

It is estimated that at least 40 percent of all marihuana and cocaine shipments from South America, regardless of where delivered, in some way touch Florida. Even if the actual delivery takes place elsewhere, the negotiations, importation arrangements and payments take place here in transactions worth \$25 billion a year.

Adding to this problem is the fact that Florida's topography is a major asset to the drug smuggler. Florida's shoreline is over 8,000 miles which allows any of the 200,000-plus privately owned boats to off-load contraband with little fear of being caught. In addition, the large number of rural roads and undeveloped flat terrain are used to off-load and refuel aircraft. There

are in excess of 9,000 privately registered aircraft in Florida and more than 250 registered airports. Even though the State of Florida requires landing strips to be registered, there are literally dozens of unregistered strips capable of handling DC-3's and C-46's.

A clear example of the severity of the drug problem in the State of Florida is the increase in the number of violent crimes being committed, much of which is due to drug-related violence. In 1980, there were a total of 1,387 murders committed in the State of Florida, an increase of 28 percent over 1979. By way of comparison, the national increase was 7 percent. In 1980, the volume of reported crime in Florida increased 18 percent, while the increase nationally was 10 percent. In 1980, arrests for narcotics violations in Florida were up 12.2 percent over 1979.

In addition to the serious crime associated with the immense quantities of drugs moving into the United States through Florida, there are other obvious considerations: The Drug Enforcement Administration estimated that drug transactions through Florida are worth \$25 billion annually. It is also estimated that \$2.5 billion in drug profits have been invested in Florida real estate, much of it in the anonymity of blind trusts concealing the identity of the owners.

In one recent investigation, the Florida Department of Law Enforcement estimated that a narcotics importer had been grossing \$7 million per month in one drug smuggling operation. In another investigation, the drug smuggling organization was bringing an average of one to three loads of marihuana per week into the State of Florida. Each of these loads averaged 40,000 to 80,000 pounds, with a street value of \$500 per pound of marihuana. The estimated value per load, then, was \$20 to \$40 million. As has been mentioned earlier by other speakers, the gross value of the narcotics industry in the United States is, at the very least, in excess of \$60 billion per year.

It is apparent to me that if we are going to be successful in our war against the drug smugglers we need to utilize all the resources at our disposal. We need to enhance the capabilities of the DEA, the Coast Guard and the Customs Service both in terms of manpower and equipment. By allowing our law enforcement officials to utilize the assets of the Department of Defense we will be greatly enhancing the capability of our country in the war against the drug smugglers. Amending posse comitatus is by no means the final answer to this problem, but it nevertheless represents a major step forward and puts the world on notice that the United States is indeed serious about attacking the narcotics problem.●

The CHAIRMAN. The question is on the Judiciary Committee amendment, as amended.

The question was taken, and the Chairman announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes, 362, noes 49, answered "present" 6, not voting 15, as follows:

[Roll No. 1301]

## AYES—362

Addabbo	de la Garza	Hartnett
Akaka	DeNardis	Hatcher
Albosta	Derrick	Heckler
Alexander	Derwinski	Hefner
Anderson	Dickinson	Heftel
Andrews	Dicks	Hendon
Annuzio	Dingell	Hertel
Applegate	Dixon	Hightower
Archer	Donnelly	Hiller
Ashbrook	Dorgan	Hollenbeck
Atkinson	Downey	Horton
AuCoin	Dreier	Howard
Badham	Duncan	Hoyer
Bailey (MO)	Dunn	Hubbard
Bailey (PA)	Dwyer	Huckaby
Barnes	Dyson	Hughes
Bedell	Early	Hutto
Bellenson	Eckart	Hyde
Benedict	Edgar	Ireland
Benjamin	Edwards (AL)	Jeffords
Bereuter	Edwards (CA)	Jeffries
Bevill	Edwards (OK)	Jenkins
Biaggi	Emerson	Johnston
Bingham	Emery	Jones (OK)
Blanchard	English	Jones (TN)
Billey	Erlenborn	Kazen
Boggs	Ertel	Kemp
Boland	Evans (DE)	Kildee
Bolling	Evans (GA)	Kindness
Boner	Evans (IA)	Kogovsek
Bonior	Evans (IN)	Kramer
Bonker	Fary	LaFalce
Bouquard	Fascell	Lagomarsino
Bowen	Fazio	Leach
Breaux	Fenwick	Leath
Brinkley	Fiedler	LeBoutillier
Brodhead	Fields	Lee
Brooks	Findley	Lehman
Broomfield	Fish	Leland
Brown (CO)	Fithian	Lent
Brown (OH)	Flippo	Levitas
Broyhill	Florio	Lewis
Burgener	Foglietta	Livingston
Burton, John	Foley	Loeffler
Burton, Phillip	Ford (MI)	Long (LA)
Butler	Ford (TN)	Long (MD)
Byron	Forsythe	Lott
Campbell	Fountain	Lowery (CA)
Carman	Fowler	Lowry (WA)
Carney	Frank	Lujan
Chapple	Frenzel	Luken
Cheney	Frost	Lundine
Clausen	Fuqua	Lungren
Clay	Garcia	Markley
Clinger	Gaydos	Marks
Coats	Gejdenson	Marienne
Coelho	Gephardt	Marriott
Coleman	Gilman	Martin (IL)
Collins (IL)	Gingrich	Martin (NC)
Collins (TX)	Glickman	Matsui
Conable	Goldwater	Mattox
Conte	Gonzales	Mavroules
Corcoran	Gore	Mazzoli
Coughlin	Gradison	McClory
Courter	Gray	McCloskey
Coyne, James	Green	McCollum
Coyne, William	Gregg	McCurdy
Craig	Grisham	McDade
Crane, Daniel	Guarini	McEwen
Crane, Philip	Gunderson	McGrath
D'Amours	Hall (OH)	McHugh
Daniel, R. W.	Hall, Ralph	McKinney
Danielson	Hall, Sam	Mica
Dannemeyer	Hamilton	Michel
Daschle	Hansen (ID)	Mikulski
Daub	Hanson (UT)	Miller (CA)
Davis	Harkin	Miller (OH)



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Mineta	Richmond	St Germain
Minish	Rinaldo	Stanton
Mitchell (NY)	Ritter	Stark
Moakley	Roberts (KS)	Staton
Moffett	Roberts (SD)	Stokes
Molinari	Robinson	Studds
Mollohan	Rodino	Swift
Moore	Roe	Synar
Moorhead	Roemer	Tauke
Morrison	Rogers	Tauzin
Mottl	Rose	Thomas
Murphy	Rostenkowski	Traxler
Murtha	Roth	Udall
Myers	Roukema	Vander Jagt
Napier	Russelot	Vento
Natcher	Roybal	Volkmer
Neal	Rudd	Walgren
Nelligan	Russo	Walker
Nelson	Sabo	Wampler
Nowak	Sawyer	Watkins
O'Brien	Scheuer	Waxman
Onkar	Schneider	Weaver
Oberstar	Schroeder	Weber (MN)
Obey	Schulze	Weber (OH)
Ottlinger	Schumer	White
Panetta	Seiberling	Whittaker
Parris	Sensenbrenner	Whitten
Pashayan	Shamansky	Williams (MT)
Patterson	Shannon	Williams (OH)
Paul	Sharp	Winn
Pease	Shaw	Wirth
Pepper	Shelby	Wolf
Perkins	Shumway	Wolpe
Petri	Shuster	Wortley
Peyser	Siljander	Wright
Pickle	Simon	Wyden
Porter	Skeen	Wyllie
Price	Smith (AL)	Yates
Pritchard	Smith (NE)	Yatron
Rahall	Smith (NJ)	Young (AK)
Railsback	Smith (OR)	Young (MO)
Ratchford	Snowe	Zablocki
Regula	Snyder	Zeferetti
Rhodes	Solarz	

## NOES—49

Anthony	Hammerschmidt	Reuss
Bafalis	Hance	Skelton
Barnard	Hillis	Smith (IA)
Beard	Holland	Solomon
Bennett	Holt	Spence
Bethune	Hopkins	Stangeland
Chappell	Hunter	Stenholm
Daniel, Dan	Jacobs	Stratton
Dorman	Kastenmeier	Stump
Dougherty	Latta	Taylor
Dowdy	McDonald	Tribble
Dymally	Montgomery	Whitehurst
Erdahl	Nichols	Whitley
Gibbons	Patman	Wilson
Ginn	Pursell	Young (FL)
Gramm	Quillen	
Hagedorn	Rangel	

## ANSWERED "PRESENT"—6

Chisholm	Dellums	Washington
Conyers	Hawkins	Wells

## NOT VOTING—15

Aspin	Ferraro	Martin (NY)
Brown (CA)	Goodling	Mitchell (MD)
Cotter	Jones (NC)	Rosenthal
Crockett	Lantos	Santini
Deckard	Madigan	Savage

□ 1210

Mr. BAFALIS changed his vote from "aye" to "no."

Messrs. VOLKMER, LEATH of Texas, UDALL, HUTTO, HARKIN, BEVILL, FOUNTAIN, and SMITH of Alabama changed their votes from "no" to "aye."

So the Judiciary Committee amendment, as amended, was agreed to.

Mr. FOWLER. Mr. Chairman, I move to strike the requisite number of words.

(Mr. FOWLER asked and was given permission to revise and extend his remarks.)

Mr. FOWLER. Mr. Chairman, I intend to vote for H.R. 3519 because, on balance, many of its major provisions are necessary for our Nation's defense. Among the specific initiatives contained in H.R. 3519 that I heartily endorse are:

Its provision of a much more adequate, and realistic, level of funding for such essential readiness items as spare parts, training, and maintenance;

Its programs aimed at upgrading our Reserve and National Guard Forces;

Its support for mobility forces, especially fast sealift and readily available airlift;

Its support for more cost-efficient production levels for a number of major weapons systems; and

Its establishment of a new armed services procurement policy, including statutory authority for multiyear defense contracting which should produce significant cost savings over time.

However, as one might expect in any legislation that authorizes \$136 billion in Federal spending, I do have serious reservations about a number of the provisions of H.R. 3519. I recorded my concerns about the particular M-X and strategic bomber programs mandated by the House Armed Services Committee last week during the amendment process.

Now, prior to final passage of the fiscal year 1982 defense authorization, I would like to register a few more general reservations that could not be addressed by simple amendment.

First of all, I join with the House Armed Services Committee in being "deeply concerned with the systematic underestimation of inflation rates in the defense budget." To quote further from the committee report on H.R. 3519:

During the fiscal year 1982 authorization hearings, the committee heard witness after witness decry the unrealistically low inflation indices that were imposed by the Office of Management and Budget . . . Historically, this has led to reductions in defense equipment purchases, stretch-out of vital programs, and highly visible cost overruns . . . The defense programs requested in the fiscal year 1981 supplemental and fiscal year 1982 budget have been subjected to the same unrealistic budgeting processes that have been practiced in the past . . . The fiscal year 1982 budget assumes a lowering of the inflation rate from the previous Administration's unrealistically low 9.7 percent to a rate of 8.7 percent.

Yet despite these findings, all of which I concur with, the bill before us makes those same unrealistic budget assumptions. If the executive branch has a responsibility for truth in defense budgeting, so does the Congress.

Based on figures I have received from the Pentagon and from the Congressional Budget Office, for the period 1980 to 1982, the President's defense budget and H.R. 3519 assume a compounded inflation rate for operations and maintenance of 19.4 percent compared to CBO's projection of 25.7 percent. For procurement the

numbers are 14.4 percent projected by the Reagan administration and 18.9 percent estimated by CBO. For research and development the story is similar: 16.4 percent inflation in the Reagan budget, 21.9 percent inflation assumed by CBO.

When you add all these numbers up, based on CBO projections H.R. 3519 is underestimating real defense inflation costs by \$6.4 billion. Even halving the differences between the OMB and CBO estimates produces a shortfall of \$3.2 billion. Clearly, there are deficiencies in our current defense budgeting procedure and unless we move to correct them, from both sides of Pennsylvania Avenue, we will see a continuation of the problems cited in the Armed Services Committee report: Cuts in procurement of equipment, stretchouts of critically needed programs, and highly publicized cost overruns.

A second area that I am concerned about in H.R. 3519 is the bill's lack of attention to vital command, control, and communications—C<sup>3</sup>—programs. Here the problem is not just money, though I am troubled by cuts in the extremely low frequency (ELF) program for communications with our strategic submarine fleet and in other C<sup>3</sup> programs.

What is more disturbing, however, is the lack of visibility and priority that is afforded to C<sup>3</sup>, not just in the Congress but in the Pentagon as well. The other body made a step in the right direction, in my opinion, by including in this year's Department of Defense authorization committee report a separate section devoted to strategic C<sup>3</sup> and the committee's initiatives in this area; but throwing more money at the problem is not the total answer.

Last session we heard a great deal about the need for heightened congressional attention to operations and maintenance. I wholeheartedly agree with this assessment and I am pleased with the initial results from the new operations and maintenance authorization procedure.

In my opinion, we now need to focus the same degree of attention and concern on command, control, and communications, both strategic and tactical. We cannot afford to let programs like the ELF communications system or the E-4B airborne command post be canceled or stretched out by default.

It is my belief that our C<sup>3</sup> systems, whether strategic or tactical, are the most vulnerable link in our military forces and are hence the most likely to face initial enemy attack. Unless we devote adequate effort and resources to upgrading these systems all of our other, far more massive weapons investments, whether for new ICBM's, strategic bombers, or conventional armaments, will be seriously compromised.

I strongly concur with the other body's directive to the Secretary of Defense: